

REMARKS

Reconsideration is respectfully requested.

The applicant has reviewed the Examiner's comments and the cited references and responsive thereto the applicant has amended claims 1 and 14.

The Examiner has rejected claims 1, 4, 5 and 14 under 35 U.S.C. 103(a) as being unpatentable over Skotnikov et al. (US 6,311,795) and further in view of Krupinski (US 6,452,487). In responsive thereto, the applicant has amended claim 1 (with claims 4 and 5 dependent thereon) and claim 14 to make more clear that the "average slope" calculated by applicant's controller is the average slope of the terrain traversed by applicant's work machine (see applicant's specification, page 6, paragraph 16). In presenting this rejection, the Examiner states that "Skotnikov does not disclose a controller for calculating an average slope"; however the Examiner goes on to say that it would have been obvious to an ordinary person skilled in the art at the time the invention was made to modify Skotnikov by including a controller which calculates an average slope value as taught by Krupinski. However, the "average slope" to which Krupinski refers is actually the average slope of the weight distribution (of the cargo load in the trailer) versus time graph line of Krupinski's figure 6 and **not the average slope of the terrain** over which Krupinski's vehicle traverses (see Krupinski, col. 4, lines 17-31). For at least the reasons presented above, applicant respectfully submits that the combination of Skotnikov and Krupinski does not and cannot teach the applicant's invention as now claimed and that the rejection of claim 1 (with existing claims 4 and 5 dependent thereon) and claim 14 be withdrawn.

The Examiner has made the following additional rejections under 35 U.S.C. 103(a):

- 1) Claims 2 and 19 as being unpatentable over Skotnikov modified by Krupinski as applied to claims 1 and 14, and further in view of Pischke (U.S. 5,142,897).
- 2) Claims 3 and 17 as being unpatentable over Skotnikov modified by Krupinski as applied to claims 1 and 14, and further in view of Ahonen (U.S. 4,099,733).

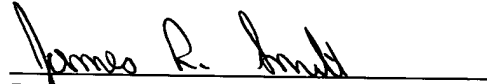
- 3) Claims 6, 7 and 18 as being unpatentable over Skotnikov modified by Krupinski and further in view of Rumminger (U.S. 4,557,497).
- 4) Claims 8-10, 15 and 16 as being unpatentable over Skotnikov modified by Krupinski and further in view of Martin et al. (U.S. 5,709,394).

Regarding claims 2, 3 and 6-10, because these claims depend on applicant's claim 1, applicant respectfully submits that applicant's comments above concerning the combination of Skotnikov and Krupinski as applied to applicant's claim 1 are directly applicable here, and applicant respectfully submits that Skotnikov and Krupinski in combination with either Pischke, Ahonen, Rumminger, or Martin fails to teach or suggest an arrangement in which the controller calculates "an average slope value of the terrain", as now claimed by the applicant. For at least the reasons presented above, applicant respectfully submits that none of the above-identified combinations teach applicant's invention as now claimed and that the rejection of claims 2, 3 and 6-10 be withdrawn.

Regarding claims 15-19, because these claims depend on applicant's claim 14, applicant respectfully submits that applicant's comments above concerning the application of the combination of Skotnikov and Krupinski to applicant's claim 14 are directly applicable here, and applicant respectfully submits that the combination of Skotnikov and Krupinski in combination with either Pischke, Ahonen, Rumminger or Martin fails to teach or suggest an arrangement which includes the step of "calculating an average slope value of the terrain", as now claimed by the applicant. For at least the reasons presented above, applicant respectfully submits that none of the above-identified combinations teach applicant's invention as now claimed and that the rejection of claims 15-19 be withdrawn.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James R. Smith", is written over a horizontal line.

James R. Smith  
Registration No.: 41,318  
Caterpillar Inc.

Telephone: (309) 636-1569  
Facsimile: (309) 675-1236